

**California Department of Transportation**  
**Native American Advisory Committee**  
Environmental Subcommittee Meeting  
July 2, 2001

In attendance:

Bill Allan, Bureau of Indian Affairs, Pacific Region  
Tina Biorn, California DOT, Environmental Analysis, HQ  
Daniel Cardenas, Pit River Tribe  
Tom Carsoner, Tuolumne Rancheria, Tribal Council  
Paul Cavanaugh, California DOT, Encroachment Permits, HQ  
Dwight Dutschke, Office of Historic Preservation  
Reba Fuller, Tuolumne Rancheria, Tribal Council  
Cynthia Gomez, California DOT, Native American Liaison Branch, HQ  
Ron Helgeson, California DOT, Intergovernmental Review, HQ  
Rick Houston, California DOT, Maintenance, HQ  
Greg King, California DOT, Environmental Analysis, HQ  
Betty Miller, California DOT, Native American Liaison Branch, HQ  
Gina Moran, California DOT, Native American Liaison, D-10  
Larry Myers, Native American Heritage Commission  
Jila Priebe, California DOT, Native American Liaison Branch, HQ  
Keith Robinson, California DOT, Landscape Architecture, HQ  
Leon M. Rofo, Wintu  
Kathleen Sartorius, California DOT, Native American Liaison, D-1,2,3  
Kerry Vera, Tule River Tribe, Environmental Program  
Kathy Wallace, California Indian Basketweavers Association  
Randy Yonemura

Welcome and introductions were made.

Cynthia Gomez explained that the purpose of the meeting was to establish how the Environmental Subcommittee (Subcommittee) could function in order to provide assistance to the Native American Advisory Committee (NAAC) regarding the protection of environmental and cultural resources

The Subcommittee began identifying the environmental and cultural issues by brainstorming as a group. The environmental and cultural issues that were identified included:

1. Encroachment permits:
  - Need to define process, how cultural resources are protected.
  - Tribes need to have more meaningful participation before the permits are issued.

2. Department should improve its internal process to protect cultural resources.
3. Need to explain and define the environmental process for Department projects and projects that impact State highway system.
  - What tools are used to identify cultural resources?
  - When does the NEPA/CEQA process apply to these projects?
4. Department should receive more training on how to meet with tribes.
  - Show respect for tribal input.
5. Notify tribes early in the planning stages and throughout the development and implementation of projects.
  - Tribes want meaningful participation – consultation.
6. Department personnel should be more accountable for cultural resources that are destroyed or damaged within the CT right of way.
  - Need to explain and provide copies of existing laws and policies that detail how Department staff is held accountable.
7. Would like to know Department's definition and method for "preservation." Is this consistent with tribal definitions?
8. Define cultural resources, and the current process used to notify tribes when protecting these resources.
9. Clarify tribal contracts.
10. Monitors' roles, responsibilities and authority should be communicated to all parties. If a contractor refuses to stop work and damages cultural resources, are the penalties adequate?
11. Tribes sometimes lack resources to attend or participate in meetings or training conducted by the Department. Check on funding that is available or should be available for this purpose
12. Tribes should have the same opportunities to be eligible for funding as other public entities.
13. Define the roles and responsibilities for Department's Native American Coordinators and Native American Liaisons.
14. For projects other than Department's projects within the Caltrans right of way:
  - What is the process to "check" on the progress of non-CT projects?
  - What accountability do these non-CT lead agencies have when CT provisions in an encroachment permit are not followed?

- What “teeth” does CT have to ensure that non-CT agencies are following provisions laid out in the encroachment permits?
  - How does Department ensure that non-CT agencies did what they said they would do (complied with job specifications, mitigation, permit provisions) within CT right of way?
15. Department archeologists should do spot checks during construction in areas that were not previously unearthed.
16. Department should mandate site monitoring paid by the lead agency.
17. What is Department’s policy regarding working with Native Americans?
- General policy?
  - Specific policies, i.e., MOUs, program policies.

The Subcommittee decided that in order to provide the most useful and valuable input at future meetings, more information was needed from the Department regarding its processes and policies.

The next meeting should include the following:

- Define the Native American Advisory Committee’s role – Provide a copy of the NAAC charter.
- Provide the following policies and information:
  - General Department policy.
  - Program policies.
  - Organizational Chart.
- Explain Department processes, and where the tribes’ participation fits in.
- Define the responsibilities for the Environmental Coordinators and the decision maker for encroachment permits.
- Review Department’s internal function, including roles and responsibilities of liaisons, and processes.
- Scheduling the next meeting:
  - Location – Woodland
  - Date – Tuesdays or Wednesdays (Prefer August 7-8 or 14-15).
  - Time – 9 AM